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Atty. Dkt. No. 017227-0184

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank Man-Woon NG *et al.*
Title: TREATMENT OF OBESITY
Appl. No.: 10/032,072
Filing Date: 12/31/2001
Examiner: C. M. Bennett
Art Unit: 1639

RESPONSE TO NOTICE TO COMPLY

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice To Comply (copy attached) With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures dated October 9, 2003, for which an extendible response is due on or before November 9, 2003, Applicants refer to the Sequence Listing and the computer readable form (CRF) thereof filed on February 7, 2000 in parent application U.S. Serial No. 09/245,712. Applicants respectfully submit that the sequence information contained therein is identical to that of the present application.

Accordingly, Applicants hereby request that the Sequence Listing of the parent application be used to fulfill the sequence disclosure requirements for the above-identified application pursuant to 37 C.F.R. § 1.821(e), which the requirement that a new CRF be submitted. A paper copy of the Sequence Listing has already been filed as part of the instant specification on the filing date of the above-identified application, which is identical to that of the parent application and, moreover, does not contain any new matter.

Applicants hereby request examination of the instant application on the merits.

Although Applicants believe that no fee is required, to the extent necessary, the Commissioner is authorized to charge any fees, or credit any overpayment, to Deposit Account No. 19-0741. A duplicate of this paper is attached.

Respectfully submitted,

Michael M. Miller

By *Reg No. 34,717*

Date October 31, 2003

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/032,072			

EXAMINER	
ART UNIT	PAPER NUMBER
1639	3

Please find below a communication from the EXAMINER in charge of this application

NOTICE TO COMPLY: SEQUENCE RULES

This application contains sequence disclosures (e.g. see specification pages 3, lines 20-25; page 14 etc.) that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2).

Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can resume being examined under 35 U.S.C. §§ 131 and 132.

Applicant is given ONE MONTH from the mailing date of this communication within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Celsa whose telephone number is (703) 305-7556. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Andrew Wang whose telephone number is (703) 306-3217. Inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Primary Examiner Celsa
ART UNIT 1639

October 7, 2003

EXAMINER CELSA
[Handwritten signature]

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ Other: **specification must be revised to insert sequence identifiers to insure compliance.**

Applicant Must Provide:

- ☒ An **initial** or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An **initial** or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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